

Newly submitted claims 1, 5, 7, 9, 10, 13 and 15 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Had applicant presented said claims earlier, it would have been restricted from the examined claims since the amended current claims and the examined claims are related as a process of using and a product (or subcombination and combination) and since the amended claims with additional limitations do not require the composition (or product) of the examined claims. Furthermore, the amended claim 5 recites an improper hybrid format language (claim starts with a language of an independent dispersion and recites properties of solid fine particles, but also recites dependency on the method claim 1), and thus a proper examination would not be possible at this time. The examiner treats the claim 5 as a dependent claim now (based on the recited "serving as a standard ---" and applicant's assertion in last two lines of page 8 in the response). The examiner interprets said claim 5 as "A method of claim 1 wherein a solar radiation shielding member forming fluid dispersion ----", for example. Even if the amended claim 5 were an independent claim (the examiner does not think so though as reason given above), the particular dispersion of the amended claim 5 with a solvent and a particular size of the dispersed particle is not needed in the amended claim 1 wherein a solid composition is recited. Obviously, please keep in mind that method claims will not be examined.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1, 5, 7, 9, 10, 13 and 15 are withdrawn

from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on November 21, 2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the reason given above.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tae H Yoon/
Primary Examiner
Art Unit 1796

THY/January 24, 2009